

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

JAMES D. PIERON, JR.,

Defendant.

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Case 1:18-cr-20489

DEFENDANT’S MOTION IN LIMINE

TO THE HONORABLE COURT:

NOW COMES DEFENDANT, James D. Pieron, Jr. (“Defendant” or “Pieron”), by and through undersigned counsel, Michael Louis Minns and Ashley Blair Arnett, and in the event Defendant’s Motion to Dismiss is not granted respectfully requests this Court to issue an order precluding the Government from presenting specific evidence to the jury pursuant to Rule 404(b) of the Federal Rules of Evidence, for the reasons set forth in the Memorandum in Support of Defendant’s Motion in Limine filed herewith.

Respectfully submitted on October 31, 2018

MINNS & ARNETT

/s/ Ashley Blair Arnett

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Case 1:18-cr-20489

**MEMORANDUM IN SUPPORT OF
DEFENDANT’S MOTION IN LIMINE**

TO THE HONORABLE COURT:

NOW COMES DEFENDANT, James D. Pieron, Jr. (“Defendant” or “Pieron”), by and through undersigned counsel, Michael Louis Minns and Ashley Blair Arnett, and submits this Memorandum in Support of Defendant’s Motion in Limine, respectfully requesting that this Court issue an order precluding the Government from presenting specific evidence to the jury pursuant to Rule 404(b) of the Federal Rules of Evidence for the reasons that follow.

In the instant case, the Defendant is charged in a one-count Indictment with tax evasion in violation of 26 U.S.C. § 7201. Pieron was once business partners with Trevor Cook (“Cook”). Cook was found guilty of operating a Ponzi scheme. Any mention of Cook or the Ponzi scheme is not properly admissible under Rule 404(b) because it is not relevant to any issue before this Court. *See United States v. Davis*, 707 F.2d 880 (6th Cir. 1983) (generally, evidence tending to show a criminal propensity based on other conduct must be excluded because a jury might convict for that conduct, rather than for the criminal conduct with which the defendant stands charged).

Assuming, *arguendo*, that said evidence were determined to be relevant, its probative value is substantially outweighed by the danger of unfair prejudice to the Defendant and, as such, is not admissible under Federal Rule of Evidence 403. *United States v. LaVictor*, 848 F.3d 428, 445 (6th Cir.), *cert. denied*, 137 S. Ct. 2231 (2017).

Further the

WHEREFORE, this Court is respectfully urged to issue an Order precluding the Government from offering evidence of conduct relating to Cook and/or the Ponzi scheme.

Respectfully submitted on October 31, 2018

MINNS & ARNETT

/s/ Ashley Blair Arnett

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Attorneys for James Pieron, Jr.

CERTIFICATE OF CONFERENCE

On October 30, 2018, the undersigned email AUSA Janet Parker. AUSA Parker responded that without more information she could not give me a position on Defendant's Motion in Limine.

/s/ Ashley Blair Arnett

Ashley Blair Arnett

CERTIFICATE OF SERVICE

This is to certify that on this the 31st day of October 2018, a true and correct copy of the above and foregoing instrument was served upon all counsel of record.

/s/ Ashley Blair Arnett

Ashley Blair Arnett